

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SCOTT TURNAGE, CORTEZ D. BROWN,
DEONTAE TATE, JEREMY S. MELTON, ISSACCA
POWELL, KEITH BURGESS, TRAVIS BOYD,
TERRENCE DRAIN and KIMBERLY ALLEN
on behalf of themselves and all similarly situated persons,

Plaintiffs,

v.

BILL OLDHAM, in his individual capacity as former
Sheriff of Shelby County, Tennessee; FLOYD BONNER,
JR., in his official capacity as Sheriff of Shelby County,
Tennessee; ROBERT MOORE, in his individual capacity
as former Jail Director of Shelby County, Tennessee;
KIRK FIELDS, in his official capacity as the Jail Director
of Shelby County, Tennessee; CHARLENE MCGHEE, in
her individual capacity as former Assistant Chief of Jail
Security of Shelby County, Tennessee; REGINALD
HUBBARD, in his official capacity as Assistant Chief of
Jail Security of Shelby County, Tennessee; DEBRA)
HAMMONS, in her individual capacity as former Assistant)
Chief of Jail Programs; TIFFANY WARD in her official)
capacity as the Assistant Chief of Jail Programs of Shelby)
County, Tennessee; SHELBY COUNTY, TENNESSEE,)
a Tennessee municipality; TYLER TECHNOLOGIES,)
INC., a foreign corporation; GLOBAL TEL*LINK)
CORPORATION, a foreign corporation; SOFTWARE)
AG USA, INC., a foreign corporation; SIERRA-CEDAR,)
INC., a foreign corporation; SIERRA SYSTEMS GROUP,)
INC., a foreign corporation, and TETRUS CORP, a foreign)
Corporation,

Defendants.

Civil Action No. 2:16-cv-02907-
SHM-tmp

Jury Demanded

DECLARATION OF ODELL HORTON, JR.

I, Odell Horton, Jr., declares as follows:

1. I am an adult resident of the State of Tennessee and competent to testify as to the matters set forth herein.

2. I have personal knowledge of the facts, records, documents and information contained in this Declaration.

3. I am a licensed attorney with the law firm of Wyatt, Tarrant & Combs, LLP and am one of the attorneys of record for the group of defendants in this action that are commonly referred to as the "Shelby County Defendants."

4. Throughout the course of this matter, when situations involved coordinating the schedules of counsel for multiple defendants, I have often attempted to serve as a point of contact for purposes of coordinating matters between counsel for the Plaintiffs and counsel for the various Defendants. That is true with respect to efforts to coordinate and schedule potential deposition dates for current and/or former Shelby County employees.

5. In approximately the middle of 2019, counsel for the parties before the Court at that time began discussing the possibility of an early mediation and what depositions, if any, the parties wished to take in advance of a potential mediation. The overall status of the case management schedule for this matter was in somewhat of a state of uncertainty, as the Plaintiffs were continuing to amend their pleadings to join additional parties.

6. Michael G. McLaren sent me a letter dated May 22, 2019, in which he outlined a course of deposition discovery that the Plaintiffs apparently wished to pursue.

7. Subsequent communications from counsel for the Plaintiffs indicated that they may not wish to pursue, in the short term, the full list of depositions that was provided in Mr. McLaren's May 22 letter.

8. On July 10, 2019, following a hearing before the Court, defense counsel spoke with Mr. McLaren about Plaintiffs' intentions in regard to depositions and other case-related issues, including the evolving nature of the case. Following that discussion, I sent Mr. McLaren a letter dated July 26, 2019 and that is attached to Plaintiffs' Motion as Exhibit B thereto. My letter included the thoughts of defendants other than just the Shelby County Defendants, which I had obtained from consultation with such counsel as outlined above.

9. Attached hereto as Exhibit 1 is true and correct copy of a chain of emails exchanged by counsel for various parties between the time Mr. McLaren's May 22 letter was received and August 20, 2019.

10. Attached hereto as Exhibit 2 is true and correct copy of a chain of emails exchanged by counsel for various parties between the time Mr. McLaren's May 22 letter was received and August 29, 2019.

11. On October 24, 2019, I spoke by telephone with Frank Watson regarding various discovery issues, potential settlement prospects, and logistics of a potential mediation to occur before the March 3, 2020 mediation deadline. With regard to depositions, I advised that the Defendants would want to depose the Plaintiffs before a mediation and proposed scheduling those depositions in mid-December of 2019 or in early January, 2020, subject to the schedules of all counsel. Mr. Watson advised that the Plaintiffs would want to depose Mr. Raper and a number of other, unspecified witnesses before the mediation. However, Mr. Watson did not insist upon dates for Mr. Raper's deposition at this time. Rather, we left open for further discussion the complete list of witnesses that the Plaintiffs wished to depose and when those depositions might occur.

12. Following my call with Mr. Watson on October 24, 2019, I communicated with counsel for the other defendants to begin coordination for schedules for potential depositions to occur in December of 2019 and January of 2020.

13. On November 19, 2019, following the Plaintiffs' November 13, 2019 filing of a notice to take the deposition of Ed Raper, Bob Craddock and I attempted to contact Brice Timmons to discuss Mr. Raper's deposition. Mr. Timmons advised us that we would need to direct our conversations to Mr. McLaren. A true and correct copy of a string of emails reflecting our communications with Mr. Timmons is attached as Exhibit 3.

14. Attached hereto as Exhibit 4 is a true and correct copy of a string of emails I exchanged with Mr. Watson on November 26, 2019, in connection with the Shelby County Defendants' request for additional time to complete their privilege log.

15. On December 3, 2019, Mr. Craddock and I spoke via telephone with Mr. McLaren concerning, among other issues, the anticipated scope of Mr. Raper's deposition and the collective Defendants' position that the deposition would need to be limited to class certification topics. Mr. McLaren agreed with the Defendants' position regarding the permissible scope of Mr. Raper's deposition and further agreed to work with counsel for the Defendants to resolve potential disputes concerning distinctions between class certification and liability issues in advance of the deposition, to the extent possible. To that end, Mr. McLaren and counsel for the Shelby County Defendants agreed to cancel Mr. Raper's deposition that had been noticed for December 18, 2019 and to reschedule the deposition for some time in January of 2020, subject to the availability of counsel on dates to be provided by Mr. McLaren. We further discussed that as a means of resolving the scope-related issues, Mr. McLaren would provide a list of deposition topics, similar to a Rule 30(b)(6) notice, which could be used to facilitate discussions among counsel for the parties as to the permissible scope of Mr. Raper's deposition, but which would not

necessarily limit Mr. McLaren's questions of Mr. Raper. Mr. McLaren indicated that the list of topics would be provided the following week, and we agreed to follow up after that.

16. On December 18, 2019, Mr. Craddock and I spoke by telephone with Mr. McLaren regarding his letter of December 16, 2019. At this time, we reminded Mr. McLaren that we were awaiting the list of deposition topics that he had indicated on December 3, 2019 would be forthcoming. We also reiterated our position that if the Plaintiffs were interested in pursuing a Rule 30(b)(6) deposition that might embrace topics on which Mr. Raper could be designated as a witness, the Shelby County defendants preferred to know that before scheduling Mr. Raper's deposition in an individual capacity. With the goal of efficiency in mind, we were trying to avoid having to schedule Mr. Raper's deposition twice, if possible. Mr. McLaren advised that he would follow up with counsel for the Shelby County Defendants and provide the previously discussed topics within the week.

17. On January 6, 2020, Mr. Craddock and I spoke with Mr. McLaren by telephone. The purpose of the call was to again inquire as to the status of the deposition topics that Mr. McLaren had agreed to provide in early December, but which had not yet been provided. In light of the delay in receiving the topics, Mr. Craddock and I had concerns that there was not sufficient time to consider the topics or to prepare Mr. Raper to give testimony on the topics by January 22, 2020, the date on which Mr. Raper's scheduled at the time. Accordingly, we suggested to Mr. McLaren that Mr. Raper's deposition be postponed. In response, Mr. McLaren stated that he would provide deposition topics in a few days and requested that we defer any decision concerning the rescheduling of Mr. Raper's deposition until after we received the topics he would be providing.

18. On January 8, 2020, Mr. McLaren provided to defense counsel two deposition notices, one for Mr. Raper scheduled for January 22, 2020, and one for a Rule 30(b)(6)

deposition of Shelby County to occur at an unspecified time. True and correct copies of these deposition notices and their accompanying transmittal letter are attached hereto as Exhibit 5. This was the first that the we had seen of a list of potential deposition topics.

19. On January 10, 2020, Mr. Craddock and I spoke via telephone with Mr. McLaren. The purpose of this call was to discuss the deposition topics that Mr. McLaren had recently provided and various other issues related to scheduling of depositions. During this call, Mr. Craddock and I advised Mr. McLaren that Plaintiffs' delay in providing the Rule 30(b)(6) topics had made it infeasible for Shelby County to fully consider the topics or to prepare Mr. Raper to give testimony by January 22, 2020. We reached an agreement with Mr. McLaren to reschedule Mr. Raper's deposition for a date in February or early March of 2020. Mr. Craddock and I also agreed that we would coordinate with counsel for all Defendants to determine possible dates for the deposition as soon as possible. We also advised Mr. McLaren that we would provide comments in regard to Plaintiffs' Rule 30(b)(6) notice in due course. A true and correct copy of an email string concerning this understanding is attached hereto as Exhibit 6. This same day, I reached out to counsel for the other Defendants to begin coordinating potential deposition dates in February and March of 2020.

20. Attached hereto as Exhibit 7 is true and correct copy of a chain of emails exchanged by counsel for various parties concerning efforts to schedule various depositions.

21. Attached hereto as Exhibit 8 is a true and correct copy of an email I sent to Mr. McLaren on January 17, 2020.

22. Attached hereto as Exhibit 9 is a true and correct copy of an email I received from Frank Watson on February 13, 2020.

23. On Monday, February 10, 2020, I received a telephone call from Bradley Trammell, an attorney with Baker, Donelson, Bearman, Caldwell & Berkowitz, during which Mr. Trammell asked if I had heard a report that Ed Raper had died.

24. I told Mr. Trammell I did not know of that and asked if I could call him back.

25. That same day, I called Lee Whitwell, Shelby County Assistant County Attorney, and asked if he had heard that Mr. Raper had died.

26. Mr. Whitwell stated he had not heard of Mr. Raper's death.

27. I asked Mr. Whitwell to discreetly investigate whether reports of Mr. Raper's death were true. Mr. Whitwell called me later that day and informed me Mr. Raper had in fact died.

28. Prior to Mr. Raper's death, I had no prior knowledge regarding Mr. Raper's health condition and had no reason to know Mr. Raper's health condition.

29. Mr. Raper never discussed any health condition with me.

30. I had no reason to know or discuss Mr. Raper's health condition with him.

31. If called to testify in this matter, I would provide the same information stated in this declaration.

Declaration under 28 U.S.C. §1746

I declare under penalty of perjury that the foregoing is true and correct.



Odell Horton, Jr.

Date: April 9, 2020

61894911.5

EXHIBIT 1

Brown, Byron

From: Horton, Odell
Sent: Tuesday, March 24, 2020 7:34 PM
To: Brown, Byron
Cc: Craddock, Bob; Cox, Meghan; Horton, Odell
Subject: FW: *Deposition Dates - Powell, et al. v. Oldham

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1082

From: Frank Watson <fwatson@watsonburns.com>
Sent: Tuesday, August 20, 2019 11:32 AM
To: Trammell, Brad <btrammell@bakerdonelson.com>
Cc: Will Routt <wroutt@watsonburns.com>; Horton, Odell <ohorton@wyattfirm.com>; MMcLaren@blackmclaw.com; Bill Burns <bburns@watsonburns.com>; claiborne@midouthcriminaldefense.com; jozment@oz-law.net; beth.petronio@klgates.com; dhalijan@bpjlaw.com; wirvine@bpjlaw.com; bbundren@babbc.com; jmurphy@bradley.com; amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com; jzeigler@bassberry.com; mkapellas@bassberry.com; dlofton@craigandloftonlaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; sward@blackmclaw.com; sbloor@blackmclaw.com; lee.whitwell@shelbycountyttn.gov; Craddock, Bob <rcraddock@wyattfirm.com>; Brown, Byron <bbrown@wyattfirm.com>; Cox, Meghan <mcox@wyattfirm.com>
Subject: Re: *Deposition Dates - Powell, et al. v. Oldham

CAUTION: This email originated from outside of the Firm. Do not click links or open attachments unless you know the sender and were expecting this message.

Brad:

Bill Burns chatted with Bob Craddock on Friday. He indicated that we need at most 4 or five depositions of Shelby County employees for class certification purposes. With that in hand, can you go ahead and edit the proposed scheduling order to your liking and re-circulate to all lawyers?

Frank L. Watson, III
Watson Burns, PLLC
253 Adams Avenue
Memphis, Tennessee 38104
Phone: (901) 529-7996

Fax: (901) 529-7998
www.watsonburns.com

On Aug 20, 2019, at 11:14 AM, Trammell, Brad <btrammell@bakerdonelson.com> wrote:

We want to work with Plaintiffs on scheduling. Most respectfully, this proposed order ignores the conversation we had after the last court appearance as well as Odell's email and letter. We need to know Plaintiff's position, for example, on class certification discovery before we can evaluate any proposed Order. As we discussed after court, the amount of class certification discovery will have an impact on when mediation can be scheduled.
I am happy to jump on a call and discuss this again if Plaintiffs would like. I am around most of the day.
THX

Bradley E. Trammell
Shareholder
Baker, Donelson, Bearman, Caldwell & Berkowitz
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
Direct: 901-577-2121
Fax: 901-577-2303
E-mail: btrammell@bakerdonelson.com
www.bakerdonelson.com

From: Will Routt [<mailto:wroutt@watsonburns.com>]
Sent: Tuesday, August 20, 2019 10:58 AM
To: Frank Watson; Trammell, Brad
Cc: Horton, Odell; MMcLaren@blackmclaw.com; Bill Burns; claiborne@midouthcriminaldefense.com; jozment@oz-law.net; beth.petronio@klgates.com; dhalijan@bpjlaw.com; wirvine@bpjlaw.com; bbundren@babco.com; jmurphy@bradley.com; amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com; jzeigler@bassberry.com; mkapellas@bassberry.com; dlofton@craigandloftonlaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; sward@blackmclaw.com; sbloor@blackmclaw.com; lee.whitwell@shelbycountyttn.gov; Craddock, Bob; Brown, Byron; Cox, Meghan
Subject: RE: *Deposition Dates - Powell, et al. v. Oldham

Our proposed scheduling order is attached.

William E. Routt, Esq.
WATSON BURNS, PLLC
253 Adams Avenue
Memphis, Tennessee 38103
901-529-7996
(fax) 901-529-7998
wroutt@watsonburns.com

From: Frank Watson
Sent: Tuesday, August 20, 2019 10:48 AM

To: Trammell, Brad

Cc: Horton, Odell; MMcLaren@blackmclaw.com; Bill Burns; Will Routt;
claiborne@midsouthcriminaldefense.com; jozment@oz-law.net; beth.petronio@klgates.com;
dhalijan@bpjlaw.com; wirvine@bpjlaw.com; bbundren@babco.com; jmurphy@bradley.com;
amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com;
jzeigler@bassberry.com; mkapellas@bassberry.com; dlofton@craigandloftonlaw.com;
btimmons@blackmclaw.com; wcochran@blackmclaw.com; sward@blackmclaw.com;
sbloor@blackmclaw.com; lee.whitwell@shelbycountyttn.gov; Craddock, Bob; Brown, Byron; Cox,
Meghan

Subject: Re: *Deposition Dates - Powell, et al. v. Oldham

We sent everyone a proposed amended scheduling order a few weeks back. Will Routt, can you recirculate?

Frank L. Watson, III
Watson Burns, PLLC
253 Adams Avenue
Memphis, Tennessee 38104
Phone: (901) 529-7996
Fax: (901) 529-7998
www.watsonburns.com

On Aug 20, 2019, at 10:09 AM, Trammell, Brad
<btrammell@bakerdonelson.com> wrote:

Frank -Following up on Odell's email. Tomorrow is another hearing before Judge Pham and we have not heard from Plaintiffs about scheduling. Thanks.

Bradley E. Trammell
Shareholder
Baker, Donelson, Bearman, Caldwell & Berkowitz
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
Direct: 901-577-2121
Fax: 901-577-2303
E-mail: btrammell@bakerdonelson.com
www.bakerdonelson.com

From: Horton, Odell [<mailto:ohorton@wyattfirm.com>]

Sent: Thursday, August 08, 2019 1:07 PM

To: MMcLaren@blackmclaw.com; fwatson@watsonburns.com;
bburns@watsonburns.com; wroutt@watsonburns.com;
claiborne@midsouthcriminaldefense.com; jozment@oz-law.net;
Trammell, Brad; beth.petronio@klgates.com; dhalijan@bpjlaw.com;
wirvine@bpjlaw.com; bbundren@babco.com; jmurphy@bradley.com;
amclean@spicerfirm.com; kdb@spicerfirm.com; jozment@oz-law.net;
kdb@spicerfirm.com; tony.swafford@arlaw.com;
jzeigler@bassberry.com; mkapellas@bassberry.com;
dlofton@craigandloftonlaw.com; Will Irvine;

btimmons@blackmclaw.com; wcochran@blackmclaw.com;
sward@blackmclaw.com; sbloor@blackmclaw.com;
lee.whitwell@shelbycountyttn.gov; Craddock, Bob; Brown, Byron; Cox,
Meghan

Cc: Horton, Odell

Subject: RE: *Deposition Dates - Powell, et al. v. Oldham

Frank:

Yesterday Plaintiffs e-mailed a Proposed Second Amended Scheduling Order to Defendants. As Defendants stated after the hearing this morning, we need additional information from Plaintiffs before we can consider possible deadlines for the Proposed Second Amended Scheduling Order. Attached is the letter Defendants sent to Mike McLaren responding to his May 22, 2019 letter regarding depositions. Defendants have not heard from Plaintiffs regarding the issues raised in the letter. Please let us know how many depositions you intend to take, who you wish to depose or other discovery before a potential mediation deadline. We can discuss the other issues in the letter after our next hearing. This information will assist the parties with the scheduling process. You stated you will provide the requested information a week from today. If you have any questions, please contact us.

Thank you for your cooperation.

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1082

From: Horton, Odell
Sent: Friday, July 26, 2019 3:15 PM
To: 'MMcLaren@blackmclaw.com'; 'fwatson@watsonburns.com';
'bburns@watsonburns.com'; 'wrouth@watsonburns.com';
'claiborne@midouthcriminaldefense.com'; 'jozment@oz-
law.net'; 'btrammell@bakerdonelson.com';
'beth.petronio@klgates.com'; 'dhalijan@bpjlaw.com';
'wirvine@bpjlaw.com'; 'bbundren@babco.com';
'jmurphy@bradley.com'; 'amclean@spicerfirm.com';
'kdb@spicerfirm.com'; 'jozment@oz-law.net';
'kdb@spicerfirm.com'; 'tony.swafford@arlaw.com';
'jzeigler@bassberry.com'; 'mkapellas@bassberry.com';
dlofton@craigandloftonlaw.com; 'Will Irvine';
'btimmons@blackmclaw.com'; 'wcochran@blackmclaw.com';
'sward@blackmclaw.com'; 'sbloor@blackmclaw.com';
'lee.whitwell@shelbycountyttn.gov'; Craddock, Bob; Brown,
Byron; Cox, Meghan
Cc: Horton, Odell
Subject: RE: *Deposition Dates - Powell, et al. v. Oldham

Mike:

Attached is Defendants' Response to your May 22, 2019 letter.

If you have any questions, please contact me.

Thank you.

Odell

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1082

From: cwatkins@blackmclaw.com
[<mailto:cwatkins@blackmclaw.com>]
Sent: Wednesday, May 22, 2019 2:56 PM
To: fwatson@watsonburns.com;
bburns@watsonburns.com; wroutt@watsonburns.com;
claiborne@midouthcriminaldefense.com; jozment@oz-law.net; Craddock, Bob; Horton, Odell;
lee.whitwell@shelbycountyttn.gov;
btrammell@bakerdonelson.com;
beth.petronio@klgates.com; dhalijan@bpjlaw.com;
wirvine@bpjlaw.com; bbundren@babbc.com;
jmurphy@bradley.com; amclean@spicerfirm.com;
kdb@spicerfirm.com
Cc: MMcLaren@blackmclaw.com;
btimmons@blackmclaw.com;
wcochran@blackmclaw.com; sward@blackmclaw.com;
sbloor@blackmclaw.com
Subject: *Deposition Dates - Powell, et al. v. Oldham

CAUTION: This email originated from outside of the Firm. Do not click links or open attachments unless you know the sender and were expecting this message.

Please feel free to contact me if you should have any questions or have any problems viewing the attachment.

Cyndi Watkins

Secretary to Michael G. McLaren, Esq.
and Charles S. Mitchell, Esq.

**BLACK MCLAREN JONES
RYLAND & GRIFFEE, P.C.**
530 Oak Court Drive, Suite 360
Memphis , TN 38117
(901) 762-0535 ext. 126
(901) 762-0539 (Fax)
www.bmjrglaw.com

IRS CIRCULAR 230 NOTICE: Pursuant to Treasury Department Circular 230, this is to advise you unless we otherwise expressly state in writing, e-mail communications, including attachments, from this firm are not intended or written to be used, and cannot be used for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code of 1986, as amended, or (ii) promoting, marketing or

*recommending to another party any transaction or matter addressed
herein.*

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

=====

=====

The information contained in this transmission is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this information, do not review, retransmit, disclose, disseminate, use, or take any action in reliance upon this information. If you received this transmission in error, please contact the sender immediately, destroy all printed copies, and delete the material from all computers.

=====

=====

NOTICE: This electronic mail transmission with any attachments may constitute an attorney-client communication, protected health information (PHI) or other confidential information that is in fact confidential, legally protected from disclosure and/or protected by the attorney-client privilege. If you are the intended recipient, please maintain confidentiality and be aware that forwarding this e-mail to others may result in a waiver of these protections and privileges and regardless electronic communications may be at times illegally accessed and viewed. If you are not the intended recipient, this e-mail is not intended for transmission to you, nor to be read, reviewed, used, distributed or even received by you or any other unauthorized persons. If you have received this electronic mail transmission in error, please double delete it from your system immediately without copying, reading or disseminating it, and notify the sender by reply e-mail, so that our address record can be corrected. Thank you very much.

<Letter to M. McLaren.pdf>

EXHIBIT 2

Brown, Byron

From: Horton, Odell
Sent: Tuesday, March 24, 2020 7:43 PM
To: Brown, Byron
Cc: Craddock, Bob; Cox, Meghan; Horton, Odell
Subject: FW: *Deposition Dates - Powell, et al. v. Oldham - proposed Amended Scheduling Order

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1082

From: Frank Watson <fwatson@watsonburns.com>
Sent: Thursday, August 29, 2019 2:44 PM
To: Trammell, Brad <btrammell@bakerdonelson.com>
Cc: Will Routt <wroutt@watsonburns.com>; Horton, Odell <ohorton@wyattfirm.com>; MMcLaren@blackmclaw.com; Bill Burns <bburns@watsonburns.com>; claiborne@midouthcriminaldefense.com; jozment@oz-law.net; beth.petronio@klgates.com; dhalijan@bpjlaw.com; wirvine@bpjlaw.com; bbundren@babco.com; jmurphy@bradley.com; amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com; jzeigler@bassberry.com; mkapellas@bassberry.com; dlofton@craigandloftonlaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; sward@blackmclaw.com; sbloor@blackmclaw.com; lee.whitwell@shelbycountyttn.gov; Craddock, Bob <rcraddock@wyattfirm.com>; Brown, Byron <bbrown@wyattfirm.com>; Cox, Meghan <mcox@wyattfirm.com>
Subject: Re: *Deposition Dates - Powell, et al. v. Oldham - proposed Amended Scheduling Order

CAUTION: This email originated from outside of the Firm. Do not click links or open attachments unless you know the sender and were expecting this message.

Brad:

The plaintiff team is fine in advancing all of the deadlines in your last scheduling order by 30 days, premised upon the parties all agreeing to an early mediation to occur by mid November without depositions. We would like this early mediation mentioned in the scheduling order, so we know all parties are committed.

Thanks

Frank L. Watson, III
Watson Burns, PLLC
253 Adams Avenue

Memphis, Tennessee 38104
Phone: (901) 529-7996
Fax: (901) 529-7998
www.watsonburns.com

On Aug 29, 2019, at 2:34 PM, Trammell, Brad <btrammell@bakerdonelson.com>
wrote:

Frank - I am following up on the proposed amended scheduling order I sent last week. Further, based on our call yesterday, let me know if it is acceptable to push all the dates in the attached proposed order by one month.

We need to get a motion on file with the court next week (preferably no later than Wednesday).
Thanks for your help.

Bradley E. Trammell
Shareholder
Baker, Donelson, Bearman, Caldwell & Berkowitz
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
Direct: 901-577-2121
Fax: 901-577-2303
E-mail: btrammell@bakerdonelson.com
www.bakerdonelson.com

From: Trammell, Brad
Sent: Friday, August 23, 2019 12:14 PM
To: 'Frank Watson'
Cc: Will Routt; Horton, Odell; MMcLaren@blackmclaw.com; Bill Burns; claiborne@midouthcriminaldefense.com; jozment@oz-law.net; beth.petronio@klgates.com; dhalijan@bpjlaw.com; wirvine@bpjlaw.com; bbundren@babco.com; jmurphy@bradley.com; amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com; jzeigler@bassberry.com; mkapellas@bassberry.com; dlofton@craigandloftonlaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; sward@blackmclaw.com; sbloor@blackmclaw.com; lee.whitwell@shelbycountyttn.gov; Craddock, Bob; Brown, Byron; Cox, Meghan
Subject: RE: *Deposition Dates - Powell, et al. v. Oldham - proposed Amended Scheduling Order

Frank - Based on our conversation after court the other day and upon input from the Defendants, attached is a proposed Amended Scheduling Order for Plf's consideration. Please let us know if there are any Q or concerns. If not, let us know if this is acceptable.
THX

Bradley E. Trammell
Shareholder
Baker, Donelson, Bearman, Caldwell & Berkowitz
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
Direct: 901-577-2121
Fax: 901-577-2303

E-mail: btrammell@bakerdonelson.com
www.bakerdonelson.com

From: Frank Watson [<mailto:fwatson@watsonburns.com>]
Sent: Tuesday, August 20, 2019 11:32 AM
To: Trammell, Brad
Cc: Will Routt; Horton, Odell; MMcLaren@blackmclaw.com; Bill Burns; claiborne@midouthcriminaldefense.com; jozment@oz-law.net; beth.petronio@klgates.com; dhalijan@bpjlaw.com; wirvine@bpjlaw.com; bbundren@babco.com; jmurphy@bradley.com; amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com; jzeigler@bassberry.com; mkapellas@bassberry.com; dlofton@craigandloftonlaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; sward@blackmclaw.com; sbloor@blackmclaw.com; lee.whitwell@shelbycountyttn.gov; Craddock, Bob; Brown, Byron; Cox, Meghan
Subject: Re: *Deposition Dates - Powell, et al. v. Oldham

Brad:

Bill Burns chatted with Bob Craddock on Friday. He indicated that we need at most 4 or five depositions of Shelby County employees for class certification purposes. With that in hand, can you go ahead and edit the proposed scheduling order to your liking and re-circulate to all lawyers?

Frank L. Watson, III
Watson Burns, PLLC
253 Adams Avenue
Memphis, Tennessee 38104
Phone: (901) 529-7996
Fax: (901) 529-7998
www.watsonburns.com

On Aug 20, 2019, at 11:14 AM, Trammell, Brad
<btrammell@bakerdonelson.com> wrote:

We want to work with Plaintiffs on scheduling. Most respectfully, this proposed order ignores the conversation we had after the last court appearance as well as Odell's email and letter. We need to know Plaintiff's position, for example, on class certification discovery before we can evaluate any proposed Order. As we discussed after court, the amount of class certification discovery will have an impact on when mediation can be scheduled.

I am happy to jump on a call and discuss this again if Plaintiffs would like. I am around most of the day.

THX

Bradley E. Trammell
Shareholder
Baker, Donelson, Bearman, Caldwell & Berkowitz
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
Direct: 901-577-2121
Fax: 901-577-2303
E-mail: btrammell@bakerdonelson.com
www.bakerdonelson.com

From: Will Routt [<mailto:wroutt@watsonburns.com>]
Sent: Tuesday, August 20, 2019 10:58 AM
To: Frank Watson; Trammell, Brad
Cc: Horton, Odell; MMcLaren@blackmclaw.com; Bill Burns; claiborne@midsouthcriminaldefense.com; jozment@oz-law.net; beth.petronio@klgates.com; dhalijan@bpjlaw.com; wirvine@bpjlaw.com; bbundren@babco.com; jmurphy@bradley.com; amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com; jzeigler@bassberry.com; mkapellas@bassberry.com; dlofton@craigandloftonlaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; sward@blackmclaw.com; sbloor@blackmclaw.com; lee.whitwell@shelbycountyttn.gov; Craddock, Bob; Brown, Byron; Cox, Meghan
Subject: RE: *Deposition Dates - Powell, et al. v. Oldham

Our proposed scheduling order is attached.

William E. Routt, Esq.
WATSON BURNS, PLLC
253 Adams Avenue
Memphis, Tennessee 38103
901-529-7996
(fax) 901-529-7998
wroutt@watsonburns.com

From: Frank Watson
Sent: Tuesday, August 20, 2019 10:48 AM
To: Trammell, Brad
Cc: Horton, Odell; MMcLaren@blackmclaw.com; Bill Burns; Will Routt; claiborne@midsouthcriminaldefense.com; jozment@oz-law.net; beth.petronio@klgates.com; dhalijan@bpjlaw.com; wirvine@bpjlaw.com; bbundren@babco.com; jmurphy@bradley.com; amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com; jzeigler@bassberry.com; mkapellas@bassberry.com; dlofton@craigandloftonlaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; sward@blackmclaw.com; sbloor@blackmclaw.com; lee.whitwell@shelbycountyttn.gov; Craddock, Bob; Brown, Byron; Cox, Meghan
Subject: Re: *Deposition Dates - Powell, et al. v. Oldham

We sent everyone a proposed amended scheduling order a few weeks back. Will Routt, can you recirculate?

Frank L. Watson, III
Watson Burns, PLLC
253 Adams Avenue
Memphis, Tennessee 38104
Phone: (901) 529-7996
Fax: (901) 529-7998
www.watsonburns.com

On Aug 20, 2019, at 10:09 AM, Trammell, Brad <btrammell@bakerdonelson.com> wrote:

Frank -Following up on Odell's email. Tomorrow is another hearing before Judge Pham and we have not heard from Plaintiffs about scheduling.
Thanks.

Bradley E. Trammell
Shareholder
Baker, Donelson, Bearman, Caldwell & Berkowitz
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
Direct: 901-577-2121
Fax: 901-577-2303
E-mail: btrammell@bakerdonelson.com
www.bakerdonelson.com

From: Horton, Odell
[<mailto:ohorton@wyattfirm.com>]
Sent: Thursday, August 08, 2019 1:07 PM
To: MMcLaren@blackmclaw.com;
fwatson@watsonburns.com;
bburns@watsonburns.com;
wroutt@watsonburns.com;
claiborne@midouthcriminaldefense.com
; jozment@oz-law.net; Trammell, Brad;
beth.petronio@klgates.com;
dhalijan@bpjlaw.com;
wirvine@bpjlaw.com;
bbundren@babco.com;
jmurphy@bradley.com;
amclean@spicerfirm.com;

kdb@spicerfirm.com; jozment@oz-law.net; kdb@spicerfirm.com;
tony.swafford@arlaw.com;
jzeigler@bassberry.com;
mkapellas@bassberry.com;
dlofton@craigandloftonlaw.com; Will
Irvine; btimmons@blackmclaw.com;
wcochran@blackmclaw.com;
sward@blackmclaw.com;
sbloor@blackmclaw.com;
lee.whitwell@shelbycountyttn.gov;
Craddock, Bob; Brown, Byron; Cox,
Meghan

Cc: Horton, Odell

Subject: RE: *Deposition Dates -
Powell, et al. v. Oldham

Frank:

Yesterday Plaintiffs e-mailed a Proposed Second Amended Scheduling Order to Defendants. As Defendants stated after the hearing this morning, we need additional information from Plaintiffs before we can consider possible deadlines for the Proposed Second Amended Scheduling Order. Attached is the letter Defendants sent to Mike McLaren responding to his May 22, 2019 letter regarding depositions. Defendants have not heard from Plaintiffs regarding the issues raised in the letter. Please let us know how many depositions you intend to take, who you wish to depose or other discovery before a potential mediation deadline. We can discuss the other issues in the letter after our next hearing. This information will assist the parties with the scheduling process. You stated you will provide the requested information a week from today. If you have any questions, please contact us.

Thank you for your cooperation.

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1082

From: Horton, Odell
Sent: Friday, July 26, 2019 3:15 PM
To: 'MMcLaren@blackmclaw.com';

'fwatson@watsonburns.com';
'bburns@watsonburns.com';
'wrouth@watsonburns.com';
'claiborne@midsouthcriminaldefense.co
m'; 'jozment@oz-law.net';
'btrammell@bakerdonelson.com';
'beth.petronio@klgates.com';
'dhalijan@bpjlaw.com';
'wirvine@bpjlaw.com';
'bbundren@babco.com';
'jmurphy@bradley.com';
'amclean@spicerfirm.com';
'kdb@spicerfirm.com'; 'jozment@oz-
law.net'; 'kdb@spicerfirm.com';
'tony.swafford@arlaw.com';
'jzeigler@bassberry.com';
'mkapellas@bassberry.com';
dlofton@craigandloftonlaw.com; 'Will
Irvine'; 'btimmons@blackmclaw.com';
'wcochran@blackmclaw.com';
'sward@blackmclaw.com';
'sbloor@blackmclaw.com';
'lee.whitwell@shelbycountyttn.gov';
Craddock, Bob; Brown, Byron; Cox,
Meghan
Cc: Horton, Odell
Subject: RE: *Deposition Dates -
Powell, et al. v. Oldham

Mike:

Attached is Defendants' Response
to your May 22, 2019 letter.

If you have any questions, please
contact me.

Thank you.

Odell

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1082

From: cwatkins@blackmclaw.com
[<mailto:cwatkins@blackmclaw.com>]
Sent: Wednesday, May 22, 2019 2:56
PM
To: fwatson@watsonburns.com;
bburns@watsonburns.com;
wrouth@watsonburns.com;
claiborne@midsouthcriminaldefense.com
; jozment@oz-law.net; Craddock, Bob;
Horton, Odell;
lee.whitwell@shelbycountyttn.gov;
btrammell@bakerdonelson.com;

beth.petronio@klgates.com;
dhalijan@bpjlaw.com;
wirvine@bpjlaw.com;
bbundren@babco.com;
jmurphy@bradley.com;
amclean@spicerfirm.com;
kdb@spicerfirm.com

Cc: MMcLaren@blackmclaw.com;
btimmons@blackmclaw.com;
wcochran@blackmclaw.com;
sward@blackmclaw.com;
sbloor@blackmclaw.com

Subject: *Deposition Dates - Powell, et al. v. Oldham

CAUTION: This email originated from outside of the Firm. Do not click links or open attachments unless you know the sender and were expecting this message.

Please feel free to contact me if you should have any questions or have any problems viewing the attachment.

Cyndi Watkins

*Secretary to Michael G. McLaren, Esq.
and Charles S. Mitchell, Esq.*

**BLACK MCLAREN JONES
RYLAND & GRIFFEE, P.C.**
530 Oak Court Drive, Suite 360
Memphis , TN 38117
(901) 762-0535 ext. 126
(901) 762-0539 (Fax)
www.bmjrglaw.com

IRS CIRCULAR 230 NOTICE: Pursuant to Treasury Department Circular 230, this is to advise you unless we otherwise expressly state in writing, e-mail communications, including attachments, from this firm are not intended or written to be used, and cannot be used for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code of 1986, as amended, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

=====
=====
=====
=====

The information contained in this transmission is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this information, do not review, retransmit, disclose, disseminate, use, or take any action in reliance upon this information. If you received this transmission in error, please contact the sender immediately, destroy all printed copies, and delete the material from all computers.

=====
=====
=====
=====

NOTICE: This electronic mail transmission with any attachments may constitute an attorney-client communication, protected health information (PHI) or other confidential information that is in fact confidential, legally protected from disclosure and/or protected by the attorney-client privilege. If you are the intended recipient, please maintain confidentiality and be aware that forwarding this e-mail to others may result in a waiver of these protections and privileges and regardless electronic communications may be at times illegally accessed and viewed. If you are not the intended recipient, this e-mail is not intended for transmission to you, nor to be read, reviewed, used, distributed or even received by you or any other unauthorized persons. If you have received this electronic mail transmission in error, please double delete it from your system immediately without copying, reading or disseminating it, and notify the

sender by reply e-mail, so that our address record can be
corrected. Thank you very much.

<Letter to M. McLaren.pdf>

<P's Proposed Second Amended Scheduling Order with co-D Tyler Tech's prop....docx>

EXHIBIT 3

Brown, Byron

From: Craddock, Bob
Sent: Wednesday, March 25, 2020 8:54 AM
To: Brown, Byron
Subject: Fwd: Turnage v. Shelby County

Follow Up Flag: Follow up
Flag Status: Flagged

Get [Outlook for iOS](#)

From: Craddock, Bob <rcraddock@wyattfirm.com>
Sent: Tuesday, November 19, 2019 7:03:41 PM
To: btimmons@blackmclaw.com <btimmons@blackmclaw.com>; Horton, Odell <ohorton@wyattfirm.com>
Cc: MMclaren@blackmclaw.com <MMclaren@blackmclaw.com>; wcochran@blackmclaw.com <wcochran@blackmclaw.com>; wroutt@watsonburns.com <wroutt@watsonburns.com>; fwatson@watsonburns.com <fwatson@watsonburns.com>; bburns@watsonburns.com <bburns@watsonburns.com>
Subject: Re: Turnage v. Shelby County

Ok. When does he return from his current vacation?

Get [Outlook for iOS](#)

From: btimmons@blackmclaw.com <btimmons@blackmclaw.com>
Sent: Tuesday, November 19, 2019 2:44:47 PM
To: Craddock, Bob <rcraddock@wyattfirm.com>; Horton, Odell <ohorton@wyattfirm.com>
Cc: MMclaren@blackmclaw.com <MMclaren@blackmclaw.com>; wcochran@blackmclaw.com <wcochran@blackmclaw.com>; wroutt@watsonburns.com <wroutt@watsonburns.com>; fwatson@watsonburns.com <fwatson@watsonburns.com>; bburns@watsonburns.com <bburns@watsonburns.com>
Subject: Turnage v. Shelby County

CAUTION: This email originated from outside of the Firm. Do not click links or open attachments unless you know the sender and were expecting this message.

Bob and Odell,

I received your message. I think Mike is the better person to direct your question about logistics to. He's likely to be the one taking this deposition.

Brice Moffatt Timmons
BLACK MCLAREN JONES RYLAND & GRIFFEE, P.C.
530 OAK COURT DRIVE, SUITE 360
MEMPHIS, TN 38117
(901) 762-0535 telephone
(901) 762-0539 facsimile
btimmons@blackmclaw.com
www.bmjrglaw.com

The information contained in this email is legally privileged and confidential information intended solely for the use of the person named above. If the reader of this email is not the intended recipient, you are notified that any use, dissemination, distribution or copying of this email or its contents is strictly and absolutely prohibited.

IRS CIRCULAR 230 NOTICE: Pursuant to Treasury Department Circular 230, this is to advise you unless we otherwise expressly state in writing, e-mail communications, including attachments, from this firm are not intended or written to be used, and cannot be used for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code of 1986, as amended, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

EXHIBIT 4

Brown, Byron

From: Frank Watson <fwatson@watsonburns.com>
Sent: Tuesday, November 26, 2019 11:22 AM
To: Horton, Odell
Cc: Will Routt; Brown, Byron
Subject: Re: Shelby County Jail Case/Document Production/Privilege Log

That's is fine. We will need it before Ed Raper deposition, which I assume is still on.

Thanks

Frank L. Watson, III
Watson Burns, PLLC
253 Adams Avenue
Memphis, Tennessee 38104
Phone: (901) 529-7996
Fax: (901) 529-7998
www.watsonburns.com

On Nov 26, 2019, at 11:17 AM, Horton, Odell <ohorton@wyattfirm.com> wrote:

Frank:

As we discussed during our telephone call and agreed on November 6th, Shelby County's Privilege Log is due Thursday, November 28th. Byron and I spoke with Lee Whitwell and Lee's team needs additional time to finish the project. We are requesting an additional two (2) weeks, until December 12th, to produce the Privilege Log. Please let me know if you will agree to this extension. I am here until 1:30 p.m. today and all day tomorrow if we need to discuss the extension.

Thank you for your consideration.

Odell

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1082

From: Horton, Odell
Sent: Tuesday, November 05, 2019 3:49 PM
To: Will Routt; Frank Watson
Cc: Brown, Byron; Horton, Odell
Subject: Re: Shelby County Jail Case/Document Production/Privilege Log

We will call.

Thanks.

Get [Outlook for iOS](#)

From: Will Routt <wroutt@watsonburns.com>
Sent: Tuesday, November 5, 2019 3:46:21 PM
To: Frank Watson <fwatson@watsonburns.com>; Horton, Odell <ohorton@wyattfirm.com>
Cc: Brown, Byron <bbrown@wyattfirm.com>
Subject: RE: Shelby County Jail Case/Document Production/Privilege Log

CAUTION: This email originated from outside of the Firm. Do not click links or open attachments unless you know the sender and were expecting this message.

Sure. 11:30 is better for me.

William E. Routt, Esq.
WATSON BURNS, PLLC
253 Adams Avenue
Memphis, Tennessee 38103
901-529-7996
(fax) 901-529-7998
wroutt@watsonburns.com

From: Frank Watson
Sent: Tuesday, November 05, 2019 3:41 PM
To: Horton, Odell
Cc: Brown, Byron; Will Routt
Subject: Re: Shelby County Jail Case/Document Production/Privilege Log

I should be good but let me confer with Will Routt, my Document guru. Will?

Frank L. Watson, III
Watson Burns, PLLC
253 Adams Avenue
Memphis, Tennessee 38104
Phone: (901) 529-7996
Fax: (901) 529-7998
www.watsonburns.com

On Nov 5, 2019, at 3:23 PM, Horton, Odell <ohorton@wyattfirm.com> wrote:

Frank:

Are you available tomorrow (Wednesday) for a conference call at 11:30 a.m. or 1:30 p.m. to discuss Shelby County's Privilege Log?

Thanks.

Odell

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
6070 Poplar Ave., Suite 300
Memphis TN 38119-3907
Direct: (901) 537-1082
Fax: (901) 537-1010
Email: ohorton@wyattfirm.com

<image001.jpg>

Memphis | Nashville | Louisville | Lexington | New Albany | www.wyattfirm.com

=====

=====

The information contained in this transmission is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this information, do not review, retransmit, disclose, disseminate, use, or take any action in reliance upon this information. If you received this transmission in error, please contact the sender immediately, destroy all printed copies, and delete the material from all computers.

=====

=====

EXHIBIT 5

From: [Brown, Byron](#)
To: [Brown, Byron](#)
Subject: FW: *Notices to Take Depositions - Powell, et al. v. Oldham
Date: Friday, April 03, 2020 2:06:10 PM
Attachments: [2020-01-08 Craddock and Horton \(MGM\) - depo notices.pdf](#)
[2020-01-08 Notice to Take Depo of Ed Raper.pdf](#)
[2020-01-08 Notice to Take Rule 30\(b\)\(6\) Depo.pdf](#)

Byron N. Brown IV

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1038

From: Horton, Odell <ohorton@wyattfirm.com>
Sent: Wednesday, January 8, 2020 1:30 PM
To: Brown, Byron <bbrown@wyattfirm.com>; Cox, Meghan <mcox@wyattfirm.com>
Subject: FW: *Notices to Take Depositions - Powell, et al. v. Oldham

FYI.

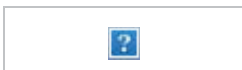
Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1082

From: cwatkins@blackmclaw.com <cwatkins@blackmclaw.com>
Sent: Wednesday, January 8, 2020 1:10 PM
To: Craddock, Bob <rcraddock@wyattfirm.com>; Horton, Odell <ohorton@wyattfirm.com>
Cc: MMclaren@blackmclaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; btrammell@bakerdonelson.com; dhalijan@bpjlaw.com; wirvine@pbjlaw.com; lee.whitwell@shelbycountyttn.gov; beth.petronio@klgates.com; bbundren@babbc.com; jmurphy@bradley.com; amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com; ben.fox@arlaw.com; hgwinn@grsm.com; rmclean@farris-law.com; fwatson@watsonburns.com; bburns@watsonburns.com; wroutt@watsonburns.com; jozment@oz-law.net; claiborne101@yahoo.com
Subject: *Notices to Take Depositions - Powell, et al. v. Oldham

Please feel free to contact me if you should have any questions or have any problems viewing the attachments.

CYNDI WATKINS
Secretary



BLACK / McLAREN / JONES / RYLAND / GRIFFEE

530 OAK COURT DRIVE, SUITE 360
MEMPHIS, TN 38117
901.762.0535 PHONE / 901.762.0539 FAX
cwatkins@blackmclaw.com • www.bmjrglaw.com

The information contained in this email is legally privileged and confidential information intended solely for the use of the person named above. Your receipt is not intended to waive any applicable privilege. If the reader of this email is not the intended recipient, you should delete it and are notified that any use, dissemination, distribution or copying of this email or its contents is strictly and absolutely prohibited.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).



MICHAEL G. McLAREN, Attorney
Email: mmclaren@blackmclaw.com

BLACK / McLAREN / JONES / RYLAND / GRIFFEE

530 OAK COURT DRIVE / SUITE 360 / MEMPHIS, TENNESSEE 38117
Phone: (901) 762-0535 / Fax: (901) 762-0539 / www.bmjrglaw.com

January 8, 2020

VIA EMAIL

[rcraddock@wyattfirm.com]

[ohorton@wyattfirm.com]

Robert E. Craddock, Jr., Esq.
Odell Horton, Jr., Esq.
WYATT, TARRANT & COMBS, LLP
6070 Poplar Avenue, Suite 300
Memphis, Tennessee 38119

RE: *Powell, et al. v. Oldham*
Our File No. 16711.001

Dear Bob and Odell:

Here are two Notices to take Deposition:

1. Notice for Ed Raper, in his individual capacity
2. A 30(b)(6) Notice directed to Shelby County

You may or may not want to designate Mr. Raper as that witness, and if not, I will simply proceed individually with him on January 22.

Note that I noticed Mr. Raper's deposition at Baker Donelson per our prior discussions. I am copying all other counsel on this. I assume you talked to Brad about using his office, but if not, Brad, are you okay with that?

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike", written over a horizontal line.

Michael G. McLaren

MGM/clw
Attachments

Robert E. Craddock, Jr., Esq.
Odell Horton, Jr., Esq.
January 8, 2020
Page 2

cc: Brice M. Timmons, Esq. (Via Email)
William E. Cochran, Jr., Esq. (Via Email)
Bradley E. Trammel, Esq. (Via Email – btrammell@bakerdonelson.com)
Douglas F. Halijan, Esq. (Via Email – dhalijan@bpjlaw.com)
William David Irvine, Esq. (Via Email – wirvine@bpjlaw.com)
Emmett Lee Whitwell, Esq. (Via Email – lee.whitwell@shelbycountyttn.gov)
Beth Bivans Petronio, Esq. (Via Email – beth.petronio@klgates.com)
Russell Brandon Bundren, Esq. (Via Email – bbundren@babc.com)
James L. Murphy, Esq. (Via Email – jmurphy@bradley.com)
Albert G. McLean, Esq. (Via Email – amclean@spicerfirm.com)
Kevin David Bernstein, Esq. (Via Email – kdb@spicerfirm.com)
Thomas Anthony Swafford, Esq. (Via Email – tony.swafford@arlaw.com)
J. Bennett Fox, Jr., Esq. (Via Email – ben.fox@arlaw.com)
Heather Marie Gwinn Pabon, Esq. (Via Email – hgwinn@grsm.com)
Robert L. McLean, Esq. (Via Email – rmclean@farris-law.com)
Frank L. Watson III, Esq. (Via Email – fwatson@watsonburns.com)
William F. Burns, Esq. (Via Email – bburns@watsonburns.com)
William E. Rout, Esq. (Via Email – wroutt@watsonburns.com)
Joseph F. Ozment, Esq. (Via Email – jozment@oz-law.com)
Claiborne H. Ferguson, Esq. (Via Email – claiborne101@yahoo.com)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN SECTION OF TENNESSEE
WESTERN DIVISION

SCOTT TURNAGE , CORTEZ D. BROWN,
DEONTAE TATE, JEREMY S. MELTON, ISSACCA
POWELL, KEITH BURGESS, TRAVIS BOYD,
TERRENCE DRAIN, and KIMBERLY ALLEN on
behalf of themselves and all similarly situated persons,

PLAINTIFFS,

v.

BILL OLDHAM, in his individual capacity as former
Sheriff of Shelby County, Tennessee; FLOYD
BONNER, JR., in his official capacity as Sheriff of
Shelby County, Tennessee; ROBERT MOORE, in his
individual capacity as former Jail Director of Shelby
County, Tennessee; KIRK FIELDS, in his official
capacity as Jail Director of Shelby County, Tennessee;
CHARLENE MCGHEE, in her individual capacity as
former Assistant Chief of Jail Security of Shelby County,
Tennessee; REGINALD HUBBARD, in his official
capacity as Assistant Chief of Jail Security of Shelby
County, Tennessee; DEBRA HAMMONS, in her
individual capacity as former Assistant Chief of Jail
Programs of Shelby County, Tennessee; TIFFANY
WARD in her official capacity as Assistant Chief of Jail
Programs of Shelby County, Tennessee; SHELBY
COUNTY, TENNESSEE, a Tennessee municipality;
TYLER TECHNOLOGIES, INC., a foreign corporation;
GLOBAL TEL*LINK CORPORATION, a foreign
corporation; SOFTWARE AG USA, INC., a foreign
corporation; and SIERRA-CEDAR, INC., a foreign
corporation, SIERRA SYSTEMS GROUP, INC., a
foreign corporation.

DEFENDANTS.

**Case No. 2:16-cv-2907-
SHM/tmp**

**CLASS ACTION
COMPLAINT FOR
VIOLATIONS OF THE
CIVIL RIGHTS ACT OF
1871, 42 U.S.C. § 1983,
TENNESSEE COMMON
LAW, DECLARATORY, AND
INJUNCTIVE RELIEF**

**JURY TRIAL DEMANDED
PURSUANT TO FED. R.
CIV. PRO. 38(a) & (b)**

NOTICE TO TAKE THE DEPOSITION OF ED RAPER

To: Ed Raper
c/o Robert E. Craddock, Esq.
Odell Horton, Jr., Esq.
WYATT, TARRANT & COMBS, LLP
1715 Aaron Brenner Drive, Suite 800
Memphis, Tennessee 38120
(901) 537-1000
Email: rcraddock@wyattfirm.com
Email: ohorton@wyattfirm.com

-and-

Emmett Lee Whitwell, Esq.
SHELBY COUNTY ATTORNEY'S OFFICE
160 N. Main Street,
Suite 950
Memphis, TN 38103
(901) 222-2100
Email: lee.whitwell@shelbycountyttn.gov

Please take notice that pursuant to Rule 30(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs Scott Turnage, Cortez D. Brown, Deontae Tate, Jeremy S. Melton, Issacca Powell, Keith Burgess, Travis Boyd, Terrence Drain, and Kimberly Allen will take the deposition of Ed Raper, individually, at the law offices of BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, P.C., 165 Madison Avenue, Suite 2000, Memphis Tennessee 38103, commencing on **January 22, 2020 at 9:00 a.m.**, Central Standard Time, and continuing thereafter from hour to hour and day to day until complete.

The deposition will be taken on behalf of Plaintiffs for the purposes of discovery, use as evidence, preservation of testimony, and all other purposes authorized by law and will be recorded by a certified court reporter, who will record the deposition by means of stenograph and/or audio recordings. The deposition may also be recorded by video or other visual and electronic means.

Respectfully submitted,

/s/ Michael G. McLaren

Michael G. McLaren (#5100)

Brice M. Timmons (#29582)

William E. Cochran, Jr. (#21428)

BLACK McLAREN JONES RYLAND & GRIFFEE PC

530 Oak Court Drive, Suite 360

Memphis, TN 38117

(901) 762-0535 (Office)

(901) 762-0539 (Fax)

mmclaren@blackmclaw.com

btimmons@blackmclaw.com

wcochran@blackmclaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of January, 2020, a true and correct copy of the foregoing Notice has been delivered by email to the following parties listed below:

Robert E. Craddock, Esq.
Odell Horton, Jr., Esq.
WYATT, TARRANT & COMBS, LLP
1715 Aaron Brenner Drive, Suite 800
Memphis, Tennessee 38120
(901) 537-1000
Email: rcraddock@wyattfirm.com
Email: ohorton@wyattfirm.com

Counsel for Defendants Bill Oldham, Floyd Bonner, Jr., Robert Moore, Kirk Fields, Charlene McGhee, Reginald Hubbard, Debra Hammons, Tiffany Ward, and Shelby County, Tennessee

Bradley E. Trammell, Esq.
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
(901) 577-2121
Email: btrammell@bakerdonelson.com

Counsel for Defendant Tyler Technologies, Inc.

Douglas F. Halijan, Esq.
William David Irvine, Esq.
BURCH PORTER & JOHNSON
130 N. Court Avenue
Memphis, TN 38103-2217
(901) 524-5000
Email: dhalijan@bpjlaw.com
Email: wirvine@bpjlaw.com

Counsel for Defendant Software AG USA, Inc.

Emmett Lee Whitwell, Esq.
SHELBY COUNTY ATTORNEY'S OFFICE
160 N. Main Street
Suite 950
Memphis, TN 38103
(901) 222-2100
Email: lee.whitwell@shelbycountyttn.gov

Counsel for Defendants Bill Oldham, Floyd Bonner, Jr., Robert Moore, Kirk Fields, Charlene McGhee, Reginald Hubbard, Debra Hammons, Tiffany Ward, and Shelby County, Tennessee

Beth Bivans Petronio, Esq.
K&L GATES, LLP
1717 Main Street
Suite 2800
Dallas, Texas 75201
(214) 939-5815
Email: beth.petronio@klgates.com

Counsel for Defendant Tyler Technologies, Inc.

Russell Brandon Bundren, Esq.
James L. Murphy, Esq.
BRADLEY ARANT BOULT CUMMINGS LLP
1600 Division Street, Suite 700
Nashville, TN 37203
(615) 252-4647
Email: bbundren@babco.com
Email: jmurphy@bradley.com

Counsel for Defendant Global TelLink Corporation

Albert G. McLean, Esq.
Kevin David Bernstein, Esq.
SPICER RUDSTROM PLLC
119 S. Main Street, Suite 700
Memphis, TN 38103
901-522-2324
Email: amclean@spicerfirm.com
Email: kdb@spicerfirm.com

Counsel for Defendant Sierra-Cedar, Inc.

Thomas Anthony Swafford, Esq.
ADAMS AND REESE LLP
Fifth Third Center
424 Church Street, Suite 2700
Nashville, Tennessee 37219
Email: tony.swafford@arlaw.com

J. Bennett Fox, Jr.,
ADAMS AND REESE LLP
6075 Poplar Ave, Suite 700 Memphis, TN 38119
Email: ben.fox@arlaw.com

Counsel for Defendant Tetras Corp.

Heather Marie Gwinn Pabon, Esq.
GORDON & REES SCULLY MANSUKHANI,
3401 Mallory Lane
Suite 120
Franklin, TN 37067
(615) 722-9010
Email: hgwinn@grsm.com

*Counsel for Defendant Sierra Systems Group,
Inc.*

/s/ Michael G. McLaren

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

SCOTT TURNAGE, CORTEZ D. BROWN,
DEONTAE TATE, JEREMY S. MELTON,
ISSACCA POWELL, KEITH BURGESS,
TRAVIS BOYD, TERRENCE DRAIN, and
KIMBERLY ALLEN on behalf of themselves and
all similarly situated persons,

Plaintiffs,

v.

BILL OLDHAM; FLOYD BONNER, JR.;
ROBERT MOORE; KIRK FIELDS; CHARLENE
MCGHEE; REGINALD HUBBARD; DEBRA
HAMMONS; TIFFANY WARD; SHELBY
COUNTY, TENNESSEE; TYLER
TECHNOLOGIES, INC.; GLOBAL TEL*LINK
CORPORATION; SOFTWARE AG USA, INC.;
SIERRA-CEDAR, INC.; SIERRA SYSTEMS
GROUP, INC.; and TETRUS CORP.,

Defendants.

**Civil Action No. 2:16-cv-02907-SHM-
tmp**

(Hon. Judge Samuel H. Mays)

**NOTICE TO TAKE THE RULE 30(b)(6) DEPOSITION OF SHELBY COUNTY,
TENNESSEE**

To: Shelby County, Tennessee
c/o Odell Horton, Jr., Esq.
WYATT, TARRANT & COMBS, LLP
1715 Aaron Brenner Drive, Suite 800
Memphis, Tennessee 38120
(901) 537-1000
Email: rcraddock@wyattfirm.com
Email: ohorton@wyattfirm.com

-and-

Emmett Lee Whitwell, Esq.
SHELBY COUNTY ATTORNEY'S OFFICE
160 N. Main Street

Suite 950
Memphis, TN 38103
(901) 222-2100
Email: lee.whitwell@shelbycountyttn.gov

PLEASE TAKE NOTICE, that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs Scott Turnage, Cortez D. Brown, Deontae Tate, Jeremy S. Melton, Issacca Powell, Keith Burgess, Travis Boyd, Terrence Drain, and Kimberly Allen, on behalf of themselves and all similarly situated persons, will take the deposition of the person(s) most knowledgeable of the issues described herein on behalf of Shelby County, Tennessee at the law offices of BLACK McLAREN JONES RYLAND & GRIFFEE, P.C., 530 Oak Court Drive, Suite 360, Memphis Tennessee 38117, commencing on _____, 2020 at 9:30 a.m., Central Standard Time, and continuing thereafter from hour to hour and day to day until complete.

The deposition will be taken on behalf of Plaintiffs for the purposes of discovery, use as evidence, preservation of testimony, and all other purposes authorized by law and will be recorded by a certified court reporter, who will record the deposition by means of stenograph and/or audio recordings. The deposition may also be recorded by video or other visual and electronic means.

DEFINITIONS

1. As used herein, the terms “concerning,” “referring,” “relating,” “in connection with” and/or “incident to” in reference to a given subject matter means any information, document or communication which constitutes, contains, embodies, comprises, reflects, identifies, states or refers to, deals with, comments on, responds to, describes, analyzes, or is in any way pertinent to the subject matter including, without limitation, any documents which mention said person or subject by name or any variant thereof.

2. “Class” shall have the same meaning as contained in paragraph 129 of the Seventh Amended Class Action Complaint, including subsections (i) – (vi), filed in this Litigation.

3. “Contractor Defendants” shall refer to Defendants Tyler Technologies, Inc., Global Tel*Link Corporation, Software AG USA, Inc., Sierra-Cedar, Inc., Sierra Systems Group, Inc., and Tetrus Corp.

4. “iCJIS” shall refer to the Shelby County Integrated Criminal Justice System.

5. “JSSi” shall refer to the JSSi Computer Tracking System.

6. The term “Litigation” shall refer to the present action styled *Scott Turnage, Cortez D. Brown, Deontae Tate, Jeremy S. Melton, Issacca Powell, Keith Burgess, Travis Boyd, Terrence Drain, and Kimberly Allen, on behalf of themselves and all similarly situated persons v. Bill Oldham, Floyd Bonner, Jr., Robert Moore, Kirk Fields, Charlene McGee, Reginald Hubbard, Debra Hammons, Tiffany Ward, Shelby County, Tennessee, Tyler Technologies, Inc., Global Tel*Link Corporation, Software AG USA, Inc., Sierra-Cedar, Inc., Sierra Systems Group, Inc., and Tetrus Corp.*, Case Number 2:16-cv-02907, pending in the U.S. District Court for the Western District of Tennessee.

7. “Odyssey” shall refer to the Odyssey Case Management System developed by the Contractor Defendants and described, *inter alia*, in paragraphs 36 and 45 of the Seventh Amended Class Action Complaint.

8. The term “Relevant Time Period” shall mean and refer to the time period from November 1, 2016 to the present.

9. “Shelby County,” “You,” and “Your,” shall refer to Defendant Shelby County, Tennessee and each of its present and former employees, agents, representatives, administrators,

officers, directors, committees, affiliates, assigns, elected officials, and all persons acting, purporting to act, or authorized to act on behalf of or under control of Shelby County, Tennessee.

SUBJECT MATTER/TOPICS FOR RULE 30(b)(6) DEPOSITION

The witness or witnesses designated by Shelby County shall be the agent(s), representative(s), and/or employee(s) of Shelby County with the most knowledge concerning the following subject matters (pursuant to the Definitions outlined above).

1. The factual basis for the admissions, denials, defenses, including affirmative defenses, and factual statements contained in all documents filed by you in this Litigation, including, but not limited to, any Answer, Motion, or other pleadings filed in this Litigation.

2. The factual basis for any answers, responses, admissions, denials or statements contained in Shelby County's Responses to Plaintiff's Interrogatories, Document Requests, and/or Requests for Admission filed in this Litigation.

3. The extent and nature of Shelby County's investigation into the allegations set forth in the original Class Action Complaint and each of the amendments thereto, including, but not limited to, the operative Seventh Amended Class Action Complaint.

4. The extent and nature of Shelby County's efforts to locate records or files within the Relevant Time Period pertaining to the allegations in the Original Class Action Complaint and each of the amendments thereto, including, but not limited to, the operative Seventh Amended Class Action Complaint, and Shelby County's defenses thereto.

5. Any and all procedures Shelby County has performed in an effort to determine whether and to what extent it unlawfully detained and/or unlawfully re-arrested arrestees as alleged in this Litigation.

6. The individuals responsible for document production in this case and the steps that were taken by Shelby County to search for the documents requested in this case.

7. The role of the IT Steering Committee in selecting and implementing the iCJIS and/or Odyssey, including, but not limited to, its deliberations and decision-making processes and procedures, the identities of the individuals serving on the Committee, its knowledge of the incompatibility of Odyssey with Your computer tracking system, and its knowledge of the problems ultimately encountered with iCJIS and/or Odyssey, including, but not limited to, the inability of iCJIS and/or Odyssey to properly track arrestees' records and criminal cases, thereby causing arrestees to become "lost" in the Shelby County jail.

8. Your decision to implement the iCJIS and/or Odyssey, including, but not limited to, Your reasons for doing so, alternative software and solutions that were available to You, and Your rationale for ultimately selecting iCJIS and/or Odyssey.

9. The integration of Odyssey with Your pre-existing computer tracking system.

10. All testing of the iCJIS and Odyssey, including, but not limited to, any cancellation of the testing phase of the implementation and the reasons therefore.

11. All training and supervision of Your employees and agents with respect to iCJIS and/or Odyssey.

12. Your knowledge regarding the compatibility of the Odyssey software with the needs of the iCJIS.

13. Your knowledge of the problems experienced by other counties around the country with the Odyssey software prior to your implementation of iCJIS.

14. The contract entered into between Shelby County and Tyler Technologies, Inc. referenced in Paragraph 53 of the Seventh Amended Complaint.

15. The contract or contracts entered into between Shelby County and any other Contractor Defendant.

16. The duties and obligations of each of the Contractor Defendants in connection with the development, implementation, integration, testing, roll out, maintenance, updating, training, supervision, or any other task pertaining to the iCJIS and/or Odyssey.

17. The rollout and implementation of iCJIS and/or Odyssey.

18. The problems You experienced in connection with the rollout and implementation of iCJIS and/or Odyssey including, but not limited to, the inability of iCJIS and/or Odyssey to properly track arrestees' records and criminal cases, thereby causing arrestees to become "lost" in the Shelby County jail.

19. The acknowledgments made by Shelby County or its agents that iCJIS and/or Odyssey suffered from the problems alleged in the Seventh Amended Complaint including, but not limited to, Earle Farrell's interview on November 4, 2016.

20. The decision made by You, in the face of the problems that You experienced with iCJIS and/or Odyssey, not to implement a return to JSSi, a system of using paper records, or to implement an alternative set of procedures to ensure compliance with constitutional requirements.

21. The size of the Class alleged in this Litigation.

22. The factual bases, if any, that support any defense you assert or plan to assert with respect to Class certification.

23. During the Relevant Time Period, each individual who was charged with a crime or crimes carrying a pre-set bond but where the Shelby County Jail Computer system (including iCJIS/Odyssey system) failed to reflect said person's right to post the pre-set bond.

24. During the Relevant Time Period, each individual who was detained longer than forty-eight hours prior to probable cause determination and who was or will be either released for lack of probable cause or had criminal bonds set which were posted.

25. During the Relevant Time Period, each individual who was detained longer than six hours after posting his or her required bond.

26. During the Relevant Time Period, each individual who was detained longer than six hours after charges against them had been dismissed or it was determined that probable cause did not exist to detain them.

27. During the Relevant Time Period, each individual who was re-arrested on warrants that had previously been served and satisfied (i.e. each individual who was re-arrested on the identical warrant that had been previously served).

28. During the Relevant Time Period, each individual who, but for the failure of the Shelby County Jail Computer System (including the iCJIS/Odyssey system), would have been released from custody and who had the right to be released from custody stemming from the 4th, 5th, 8th, or 14th Amendments to the United States Constitution and who were not later lawfully re-incarcerated on the same charge.

29. The factual basis, if any, for Shelby County's contention that no Class exists in this Litigation.

30. Shelby County's defenses to Plaintiff's allegation that Numerosity exists in this Litigation (*see, inter alia*, Seventh Amended Class Action Complaint ¶ 130) and the factual bases for any such defense.

31. Shelby County's defenses to Plaintiff's allegation that Commonality exists in this Litigation (*see, inter alia*, Seventh Amended Class Action Complaint ¶ 131) and the factual bases for any such defense.

32. Shelby County's defenses to Plaintiff's allegation that Typicality exists in this Litigation (*see, inter alia*, Seventh Amended Class Action Complaint ¶ 132) and the factual bases for any such defense.

33. Shelby County's defenses to Plaintiff's allegation that Predominance and Superiority exist in this Litigation (*see, inter alia*, Seventh Amended Class Action Complaint ¶ 137) and the factual bases for any such defense.

34. The documents produced by the parties in this Litigation.

Respectfully submitted,

s/ William E. Routt

Frank L. Watson, III (Tenn. Bar No. 15073)

William F. Burns (Tenn. Bar No. 17908)

William E. Routt (Tenn. Bar No. 28577)

WATSON BURNS, PLLC

253 Adams Avenue

Memphis, TN 38103

Phone: (901) 529-7996

Fax: (901) 529-7998

Email: fwatson@watsonburns.com

Email: bburns@watsonburns.com

Email: wroutt@watsonburns.com

Michael G. McLaren (Tenn. Bar No. 5100)

William E. Cochran, Jr. (Tenn. Bar No. 21428)

Brice M. Timmons (Tenn. Bar No. 29582)

BLACK McLAREN JONES

RYLAND & GRIFFEE PC

530 Oak Court Drive

Suite 360

Memphis, Tennessee 38117

Phone: (901) 762-0535

Fax: (901) 762-0539
mmclaren@blackmclaw.com
wcochran@blackmclaw.com
btimmons@blackmclaw.com

Joseph S. Ozment (Tenn. Bar No. 15601)
THE LAW OFFICE OF JOSEPH S. OZMENT, PLLC
1448 Madison Ave.
Memphis, Tennessee 38104
Phone: (901) 525-4357
Email: jozment@oz-law.net

Claiborne H. Ferguson, Esq. (Tenn. Bar. No.
20457)
THE CLAIBORNE FERGUSON LAW FIRM, P.A.
294 Washington Ave.
Memphis, TN 38103
(901) 529-6400
Email: claiborne101@yahoo.com

*Counsel for Plaintiffs and the putative Class
Members*

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of January, 2020, a true and correct copy of the foregoing Notice has been delivered by email to the following parties listed below:

Robert E. Craddock, Esq.
Odell Horton, Jr., Esq.
WYATT, TARRANT & COMBS, LLP
1715 Aaron Brenner Drive, Suite 800
Memphis, Tennessee 38120
(901) 537-1000
Email: rcraddock@wyattfirm.com
Email: ohorton@wyattfirm.com

Counsel for Defendants Bill Oldham, Floyd Bonner, Jr., Robert Moore, Kirk Fields, Charlene McGhee, Reginald Hubbard, Debra Hammons, Tiffany Ward, and Shelby County, Tennessee

Bradley E. Trammell, Esq.
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
(901) 577-2121
Email: btrammell@bakerdonelson.com

Counsel for Defendant Tyler Technologies, Inc.

Douglas F. Halijan, Esq.
William David Irvine, Esq.
BURCH PORTER & JOHNSON
130 N. Court Avenue
Memphis, TN 38103-2217
(901) 524-5000
Email: dhalijan@bpjlaw.com
Email: wirvine@bpjlaw.com

Counsel for Defendant Software AG USA, Inc.

Emmett Lee Whitwell, Esq.
SHELBY COUNTY ATTORNEY'S OFFICE
160 N. Main Street
Suite 950
Memphis, TN 38103
(901) 222-2100
Email: lee.whitwell@shelbycountyttn.gov

Counsel for Defendants Bill Oldham, Floyd Bonner, Jr., Robert Moore, Kirk Fields, Charlene McGhee, Reginald Hubbard, Debra Hammons, Tiffany Ward, and Shelby County, Tennessee

Beth Bivans Petronio, Esq.
K&L GATES, LLP
1717 Main Street
Suite 2800
Dallas, Texas 75201
(214) 939-5815
Email: beth.petronio@klgates.com

Counsel for Defendant Tyler Technologies, Inc.

Russell Brandon Bundren, Esq.
James L. Murphy, Esq.
BRADLEY ARANT BOULT CUMMINGS LLP
1600 Division Street, Suite 700
Nashville, TN 37203
(615) 252-4647
Email: bbundren@babco.com
Email: jmurphy@bradley.com

Counsel for Defendant Global TelLink Corporation

Albert G. McLean, Esq.
Kevin David Bernstein, Esq.
SPICER RUDSTROM PLLC
119 S. Main Street, Suite 700
Memphis, TN 38103
901-522-2324
Email: amclean@spicerfirm.com
Email: kdb@spicerfirm.com

Counsel for Defendant Sierra-Cedar, Inc.

Thomas Anthony Swafford, Esq.
ADAMS AND REESE LLP
Fifth Third Center
424 Church Street, Suite 2700
Nashville, Tennessee 37219
Email: tony.swafford@arlaw.com

J. Bennett Fox, Jr.,
ADAMS AND REESE LLP
6075 Poplar Ave, Suite 700 Memphis, TN 38119
Email: ben.fox@arlaw.com

Counsel for Defendant Tetras Corp.

Heather Marie Gwinn Pabon, Esq.
GORDON & REES SCULLY MANSUKHANI,
3401 Mallory Lane
Suite 120
Franklin, TN 37067
(615) 722-9010
Email: hgwinn@grsm.com

*Counsel for Defendant Sierra Systems Group,
Inc.*

s/ William E. Routt
William E. Routt

EXHIBIT 6

Brown, Byron

From: Horton, Odell
Sent: Thursday, April 9, 2020 9:07 AM
To: Brown, Byron
Subject: FW: Shelby County Jail Case/Conference call

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1082

From: MMclaren@blackmclaw.com <MMclaren@blackmclaw.com>
Sent: Friday, January 10, 2020 2:13 PM
To: Horton, Odell <ohorton@wyattfirm.com>
Subject: RE: Shelby County Jail Case/Conference call

agreed

Michael G. McLaren

BLACK MCLAREN JONES RYLAND & GRIFFEE, P.C.
530 OAK COURT DRIVE, SUITE 360
MEMPHIS, TN 38117
Telephone (901) 762-0535
Facsimile (901) 762-0539
email:mmclaren@blackmclaw.com

The information contained in this email is legally privileged and confidential information intended solely for the use of the person named above. If the reader of this email is not the intended recipient, you are notified that any use, dissemination, distribution or copying of this email or its contents is strictly and absolutely prohibited.

From: Horton, Odell <ohorton@wyattfirm.com>
Sent: Friday, January 10, 2020 2:11 PM
To: MMclaren <MMclaren@blackmclaw.com>
Cc: Craddock, Bob <rcraddock@wyattfirm.com>; Horton, Odell <ohorton@wyattfirm.com>
Subject: Shelby County Jail Case/Conference call

Mike:

Pursuant to our telephone conversation this afternoon, this is our agreement:

1. We are cancelling Ed Raper's deposition scheduled for January 22nd;
2. I will ask defense counsel for new deposition dates in February and early March (we will attempt to get dates as soon as possible);
3. You will let us know if we are going forward with the depositions of the named plaintiffs on January 28th – 30th; and
4. We will provide you our opinions regarding which topics in the 30(b)(6) notice are class vs. merits.

Please let me know if I am incorrect.

Thank you.

Odell

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
6070 Poplar Ave., Suite 300
Memphis TN 38119-3907
Direct: (901) 537-1082
Fax: (901) 537-1010
Email: ohorton@wyattfirm.com



Memphis | Nashville | Louisville | Lexington | New Albany | www.wyattfirm.com



=====

The information contained in this transmission is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this information, do not review, retransmit, disclose, disseminate, use, or take any action in reliance upon this information. If you received this transmission in error, please contact the sender immediately, destroy all printed copies, and delete the material from all computers.

=====

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

EXHIBIT 7

Brown, Byron

From: Brown, Byron
Sent: Thursday, April 9, 2020 1:13 AM
To: Brown, Byron
Subject: FW: *Notices to Take Depositions - Powell, et al. v. Oldham

Byron N. Brown IV

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1038

From: Horton, Odell <ohorton@wyattfirm.com>
Sent: Tuesday, January 14, 2020 2:45 PM
To: Frank Watson <fwatson@watsonburns.com>; Craddock, Bob <rcraddock@wyattfirm.com>
Cc: MMclaren@blackmclaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; btrammell@bakerdonelson.com; dhalijan@bpjlaw.com; wirvine@bpjlaw.com; lee.whitwell@shelbycountyttn.gov; beth.petronio@klgates.com; bbundren@babco.com; jmurphy@bradley.com; amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com; ben.fox@arlaw.com; hgwinna@grsm.com; rmclean@farris-law.com; Bill Burns <bburns@watsonburns.com>; Will Routt <wroutt@watsonburns.com>; is <wirvine@bpjlaw.com>; Horton, Odell <ohorton@wyattfirm.com>
Subject: RE: *Notices to Take Depositions - Powell, et al. v. Oldham

Frank:

We will reach out to our clients and let you know.

Are we going forward with the depositions of the named Plaintiff's on January 28th – 30th?

Thanks.

Odell

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1082

From: Frank Watson <fwatson@watsonburns.com>
Sent: Monday, January 13, 2020 12:50 PM
To: Frank Watson <fwatson@watsonburns.com>; Craddock, Bob <rcraddock@wyattfirm.com>; Horton, Odell <ohorton@wyattfirm.com>
Cc: MMclaren@blackmclaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; btrammell@bakerdonelson.com; dhalijan@bpjlaw.com; wirvine@bpjlaw.com; lee.whitwell@shelbycountyttn.gov; beth.petronio@klgates.com; bbundren@babco.com; jmurphy@bradley.com; amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com; ben.fox@arlaw.com; hgwinna@grsm.com; rmclean@farris-law.com; Bill Burns <bburns@watsonburns.com>; Will Routt <wroutt@watsonburns.com>; is <wirvine@bpjlaw.com>
Subject: RE: *Notices to Take Depositions - Powell, et al. v. Oldham

I apologize.

Bob and Odell, I neglected to ask you all to get us deposition dates for Robert Moore, Debra Hammons and Bill Oldham. We could do these in the latter part of February.

Thanks.

Frank L. Watson, III
WATSON BURNS, PLLC
253 Adams Avenue
Memphis, TN 38103
Phone: (901) 529-7996
Fax: (901) 529-7998
Email: fwatson@watsonburns.com

From: Frank Watson
Sent: Monday, January 13, 2020 12:32 PM
To: Frank Watson; rcraddock@wyattfirm.com; ohorton@wyattfirm.com
Cc: MMcLaren@blackmclaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; btrammell@bakerdonelson.com; dhalijan@bpjlaw.com; wirvine@pbjlaw.com; lee.whitwell@shelbycountyttn.gov; beth.petronio@klqates.com; bbundren@babco.com; jmurphy@bradley.com; amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com; ben.fox@arlaw.com; hgwinn@grsm.com; rmclean@farris-law.com; Bill Burns; Will Routt
Subject: RE: *Notices to Take Depositions - Powell, et al. v. Oldham

Dear Defense Counsel:

I now understand that the defendants want to reschedule Ed Raper's deposition from 1/22 to some other date. What is the problem getting this deposition set?

I would recommend sometime in the first two weeks in February. If we cannot agree on a date between now and then, the Plaintiffs will simply be forced to file a Notice with a given date.

Brad Trammell: can you check on the availability dates of Paul Zigler for February? Also, let me know if your client will make us go to Dallas or whether we can depose Mr. Zigler here in Memphis, which would be much more convenient for all counsel.

Sincerely,

Frank L. Watson, III
WATSON BURNS, PLLC
253 Adams Avenue
Memphis, TN 38103
Phone: (901) 529-7996
Fax: (901) 529-7998
Email: fwatson@watsonburns.com

From: Frank Watson
Sent: Thursday, January 9, 2020 1:36 PM
To: rcraddock@wyattfirm.com; ohorton@wyattfirm.com
Cc: MMcLaren@blackmclaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; btrammell@bakerdonelson.com; dhalijan@bpjlaw.com; wirvine@pbjlaw.com; lee.whitwell@shelbycountyttn.gov; beth.petronio@klqates.com; bbundren@babco.com; jmurphy@bradley.com; amclean@spicerfirm.com;

kdb@spicerfirm.com; tony.swafford@arlaw.com; ben.fox@arlaw.com; hgwinn@grsm.com; rmclean@farris-law.com; Bill Burns; Will Routt

Subject: RE: *Notices to Take Depositions - Powell, et al. v. Oldham

Dear Defense Counsel:

I understand that yet another Scheduling Order is being advocated by defense counsel. Can you let us know when we might receive same? Additionally, we are planning on conducting depositions on 1/22 (Ed Rapper) and 1/29 (named Plaintiffs). Am I correct?

Many thanks

Frank L. Watson, III
WATSON BURNS, PLLC
253 Adams Avenue
Memphis, TN 38103
Phone: (901) 529-7996
Fax: (901) 529-7998
Email: fwatson@watsonburns.com

From: cwatkins@blackmclaw.com [<mailto:cwatkins@blackmclaw.com>]

Sent: Wednesday, January 8, 2020 1:10 PM

To: rcraddock@wyattfirm.com; ohorton@wyattfirm.com

Cc: MMcLaren@blackmclaw.com; btimmons@blackmclaw.com; wcochran@blackmclaw.com; btrammell@bakerdonelson.com; dhalijan@bpjlaw.com; wirvine@pbjlaw.com; lee.whitwell@shelbycountyttn.gov; beth.petronio@klgates.com; bbundren@babco.com; jmurphy@bradley.com; amclean@spicerfirm.com; kdb@spicerfirm.com; tony.swafford@arlaw.com; ben.fox@arlaw.com; hgwinn@grsm.com; rmclean@farris-law.com; Frank Watson; Bill Burns; Will Routt; jozment@oz-law.net; claiborne101@yahoo.com

Subject: *Notices to Take Depositions - Powell, et al. v. Oldham

Please feel free to contact me if you should have any questions or have any problems viewing the attachments.

CYNDI WATKINS
Secretary



BLACK / McLAREN / JONES / RYLAND / GRIFFEE

530 OAK COURT DRIVE, SUITE 360

MEMPHIS, TN 38117

901.762.0535 PHONE / 901.762.0539 FAX

cwatkins@blackmclaw.com • www.bmjrglaw.com

The information contained in this email is legally privileged and confidential information intended solely for the use of the person named above. Your receipt is not intended to waive any applicable privilege. If the reader of this email is not the intended recipient, you should delete it and are notified that any use, dissemination, distribution or copying of this email or its contents is strictly and absolutely prohibited.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

EXHIBIT 8

Brown, Byron

From: Horton, Odell
Sent: Friday, January 17, 2020 5:04 PM
To: Mike McLaren
Cc: Bill Burns; btimmmons@blackmclaw.com; wcochran@blackmclaw.com; Al McLean (amclean@spicerfirm.com); Beth W. Petronio - K&L Gates (beth.petronio@klgates.com); Bradley E. Trammell - Baker Donelson (btrammell@bakerdonelson.com); is; Brandon Bundren; Doug Halijan - Burch, Porter & Johnson, PLLC (dhalijan@BPJLAW.com); Erin P. McDaniel - Gordon Rees Scully Mansukhani, LLP (emcdaniel@grsm.com); Garrett M. Estep (gestep@farris-law.com); Heather M. Gwinn Pabon - Gordon Rees Scully Mansukhani, LLP (hgwinn@grsm.com); Lee Whitwell (lee.whitwell@shelbycountyttn.gov); Craddock, Bob; Robert A. McLean (ramclean@farris-law.com); Brown, Byron; Cox, Meghan; Frank Watson, III ; Will Routt; Horton, Odell
Subject: Shelby County Jail Case/30(b)(6) Topics
Follow Up Flag: Follow up
Flag Status: Flagged

Mike:

We reviewed the thirty four (34) 30(b)(6) topics you provided. Below are our thoughts regarding the designation of topics:

Merits topics – 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19 and 20

Class certification topics – 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32 and 33

Further discussion – 1, 2, 4, 6, 16, 17, 28 and 34

Are you available next week to discuss these designations? We also need to discuss the “Relevant Time Period” and the proposed mediation date.

Thanks.

Odell

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
6070 Poplar Ave., Suite 300
Memphis TN 38119-3907
Direct: (901) 537-1082
Fax: (901) 537-1010
Email: ohorton@wyattfirm.com



Memphis | Nashville | Louisville | Lexington | New Albany | www.wyattfirm.com



EXHIBIT 9

Brown, Byron

From: Horton, Odell
Sent: Thursday, April 9, 2020 7:16 PM
To: Brown, Byron
Subject: FW: Proposed Fourth Amended Scheduling Order(100165890.4)

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
Direct: (901) 537-1082

From: Frank Watson <fwatson@watsonburns.com>
Sent: Thursday, February 13, 2020 9:46 AM
To: Horton, Odell <ohorton@wyattfirm.com>; btimmons@blackmclaw.com; Mike McLaren <mmclaren@blackmclaw.com>; Will Cochran <wcochran@blackmclaw.com>; Will Routt <wroutt@watsonburns.com>; Bill Burns <bburns@watsonburns.com>; Frank Watson <fwatson@watsonburns.com>
Subject: Re: Proposed Fourth Amended Scheduling Order(100165890.4)

Odell :

With this email, I am circulating the Defendants' proposed Scheduling Order. We will get back to you tomorrow, but my guess is that we will reject these unreasonably long time periods.

This case is over 3 years old. Your (allegedly) key defense witness, Ed Raper, has unfortunately died, leaving the County with no evidentiary basis to defend this action on the merits, a fact that will probably militate the Plaintiffs withdrawing their previous settlement demand (to which we got no response) in of a much higher number. (We will discuss this internally and will let you know, although the County seems uninterested in any settlement valuation from the Plaintiffs). Thus, with each delay, the value of this case grows higher in terms of attorneys fees and, with Mr. Raper's passing, higher damages because the County has lost a critical defense witness.

We intend to go forward with the remaining re-noticed depositions.

Sincerely

Frank L. Watson, III
Watson Burns, PLLC
253 Adams Avenue
Memphis, Tennessee 38104
Phone: (901) 529-7996
Fax: (901) 529-7998
www.watsonburns.com

On Feb 12, 2020, at 7:33 PM, Horton, Odell <ohorton@wyattfirm.com> wrote:

Frank,

Attached is the proposed Fourth Amended Scheduling Order. Please let me know if you have any comments or concerns regarding the dates.

Thank you.

Odell

Odell Horton Jr.

Wyatt, Tarrant & Combs, LLP
6070 Poplar Ave., Suite 300
Memphis TN 38119-3907
Direct: (901) 537-1082
Fax: (901) 537-1010
Email: ohorton@wyattfirm.com

<image001.jpg>

Memphis | Nashville | Louisville | Lexington | New Albany | www.wyattfirm.com

<image002.jpg>

<image003.jpg>

<image004.jpg>

<image005.jpg>

=====

The information contained in this transmission is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this information, do not review, retransmit, disclose, disseminate, use, or take any action in reliance upon this information. If you received this transmission in error, please contact the sender immediately, destroy all printed copies, and delete the material from all computers.

=====

<Proposed Fourth Amended Scheduling Order(100165890.4).docx>